

STATEMENT OF BASIS (AI No. 163609)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0124966 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Bill's Oyster House, LLC
73453 Barry Lane
Covington, LA 70435

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: January 5, 2010

1. PERMIT STATUS

A. Reason For Permit Action:

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits – LPDES permit effective date: N/A
LPDES permit expiration date: N/A

D. Date Application Received: April 21, 2009; additional information received via phone conversation December 28, 2009.

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - seafood processor

Oysters are picked up in a refrigerated truck and brought back to the facility. If oysters are muddy, they are rinsed. The oysters are stored in a cooler until ready for processing. The oysters are hand-shucked, rinsed, weighed and placed in containers. The containers are stored in cooler until ready for delivery. 750 lbs of oysters are processed per day which results in 100 lbs of oyster meat. Shells are disposed in back of the building, then hauled off by an outside contractor. The facility proposes to discharge treated combined seafood process wastewater and sanitary wastewater.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II; BPJ points to 0 as per administrative decision for seafood processors
3. Wastewater Type: II
4. SIC code: 2092

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C. LOCATION - 21370 Wilson Road in Covington, St. Tammany Parish
Latitude 30° 30' 12", Longitude 90° 2' 48"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: treated combined seafood process wastewater and sanitary wastewater
Treatment: septic tank
Location: at the point of discharge from the septic tank prior to mixing with other waters
Flow: 1500 GPD
Discharge Route: via pipe to local drainage thence into Long Branch

4. RECEIVING WATERS

STREAM - via pipe to local drainage thence into Long Branch

BASIN AND SEGMENT - Lake Pontchartrain Basin, Segment 040804

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
g. outstanding natural resources*

*Outstanding Natural Resource Waters is listed as a designated use of Segment 040804 (Lower Bogue Falaya River - From Headwaters to Tchefuncte River). However, this designated use is applicable only if the discharge is directly into the named waterbody and not into a tributary or distributary of the waterbody, per LAC33:IX.1111.G.

5. TMDL STATUS

Subsegment 040804, Bogue Falaya River - From Headwaters to Tchefuncte River, is listed on LDEQ's Final 2006 303(d) List as impaired for pathogen indicators and mercury. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the seafood processor point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated. This facility is not expected to be a source of mercury. Standard fecal coliform limits are included in this permit. Discharges in compliance with these limitations should not cause or contribute to further impairment in the receiving stream.

6. COMPLIANCE HISTORY/COMMENTS

- A. OEC - An inspection on February 9, 2009 noted the facility was discharging without a permit.
- B. DMR Review/Excursions - N/A; Initial permit.

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7. EXISTING EFFLUENT LIMITS

N/A; Initial permit

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 040804 of the Lake Pontchartrain Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Gulf Sturgeon and Louisiana Quillwort, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Gulf Sturgeon and Louisiana Quillwort. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Bill's Oyster House, LLC

1. **Outfall 001** – treated combined seafood process wastewater and sanitary wastewater (estimated flow is 1500 GPD)

Pollutant	Limitation				Reference
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	
	Lbs/day		Mg/L		
Flow	Report	Report	---	---	LAC 33:IX.2707.1.1.B
BOD ₅	---	---	30	45	LAG530000; BPJ
TSS	1.6	2.3	---	---	40 CFR 408.265
Oil & Grease	0.077	0.11	---	---	40 CFR 408.265
Fecal Coliform colonies/100ml	---	---	200	400	LAG530000; BPJ
pH	---	---	6.0 (min)	9.0 (max)	40 CFR 408.265

Treatment: septic tank

Monitoring Frequency: Quarterly for Flow, TSS, Oil & Grease, and pH; semiannually for BOD₅ and Fecal Coliform at the point of discharge from the septic tank prior to mixing with other waters.

Limits Justification: Limits and monitoring frequencies for TSS, Oil & Grease, and pH are based on 40 CFR 408.265.

The Effluent Limit Guidelines from 40 CFR 408 Subpart Z: Atlantic and Gulf Coast Hand-shucked Oyster Processing (promulgated December 1, 1975) are applicable to this facility. This facility opened in the 1980's therefore qualifies as a new source. NSPS guidelines have been applied to calculate mass limits for the discharge. Product is defined as the weight of oyster meat after shucking (40 CFR 408.261(b)).

Calculations

TSS

Daily Max: $(23\text{lbs}/1000\text{lbs}) \times (100\text{lbs product/day}) = 2.3 \text{ lbs/day}$

Month Avg: $(16\text{lbs}/1000\text{lbs}) \times (100\text{lbs product/day}) = 1.6 \text{ lbs/day}$

Oil & Grease

Daily Max: $(1.1\text{lbs}/1000\text{lbs}) \times (100\text{lbs product/day}) = 0.11 \text{ lbs/day}$

Monthly Avg: $(0.77\text{lbs}/1000\text{lbs}) \times (100\text{lbs product/day}) = 0.077 \text{ lbs/day}$

Limits and monitoring frequencies for BOD₅ and Fecal Coliform are based on current guidance for similar discharges from other industrial facilities and the Class I Sanitary Discharge General Permit, LAG530000 effective December 1, 2007.

BPJ Best Professional Judgement
 su Standard Units
 NSPS New Source Performance Standards

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NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).